

OGC Has Reviewed

OGC 64-5330

15 December 1964

MEMORANDUM FOR: Special Support Assistant to DDS

SUBJECT: Home Leave Entitlement on
Subsequent Assignment Abroad

1. Questions have developed as to whether an employee, having been granted and having served a period of home leave, upon return to his post abroad or another one, must serve an additional twenty-four months in order to be granted home leave another time. The statute authorizes the granting of home leave upon the "completion of 24 months of continuous service outside the United States." The Civil Service implementing regulation prescribes that home leave may be granted an employee during his period of service abroad or within a reasonable period after his return from service abroad when it is contemplated that he will return to service abroad. The regulation provides also that leave not granted at such times "may be granted only when the employee has completed a further substantial period of service abroad. This further substantial period of service abroad may not be "less than the tour of duty prescribed for the employee's post of assignment, except when the agency determines that an earlier grant of home leave is warranted in an individual case."

2. It would seem ridiculous to grant, after a further substantial period of service outside the United States, the home leave which had been earned but not granted during or immediately after the first period of service abroad, while denying the employee the home leave earned during the subsequent period of service abroad. We believe both periods of home leave may be granted. However, if, after the first period of service abroad, the employee is granted all of his home leave, it would be necessary for him to serve a full 24 additional months outside the United States in order to be eligible for home leave again. To the extent that this opinion may differ with positions taken by this Office earlier, the former are modified.

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Associate General Counsel